

**Remarks**

Claims 15, 30, and 58 have been cancelled and claims 1, 2, 9, 10, 11, 12-14, 17, 18, 22, 24-29, 33, 35, and 50-57 have been amended leaving claims 1, 2-4, 8, 9, 11-14, 16-20, 24-29, 31-35, 37-41, 44, 46, 47, 49, 50, 54-57, 59, and 60 pending. These amendments do not constitute new matter as, to the extent they are not made for clerical reasons, they are supported at, for example, pages 9-11 of the originally filed application. Claims 5-7, 10, 21-23, 36, 42, 43, 45, 48, and 50-53 have been withdrawn but are dependent on pending claims that if allowed would place in the withdrawn claims in condition for allowance.

Claims 1, 3, 8-17, 24-34, 44, 46, 47, 49-50, and 54-60 stand rejected and claims 2, 4, 18-20, 35, and 37-41 stand objected to as depending on a rejected base claim. The Examiner has indicated that if the objected claims incorporate all the limitations of the claims from which they depend as well as any intervening claims they would be in condition for allowance. Applicant has amended claims 2, 18, and 35 respectively to include the limitations of claims 1, 17, and 35 from which they depended to place amended claims 2, 18, and 35 in condition for allowance. As claims 2, 18, and 35 are in condition for allowance, claims 3 and 4 (depending from claim 2), 19-21 (depending from claim 18), and 36-41 (depending from claim 35) are also in condition for allowance. As such, Applicant requests allowance of claims 2-4, 18-21, and 35-41 in the Examiners next action.

Claims 1, 3, 8-17, 24-34, 44, 46, 47, 49-50, and 54-60 have been rejected as obvious in view of multiple references. Applicant requests the Examiner reconsider these rejections in view of the amended claims and the remarks.

The Examiner is respectfully referred to MPEP §2142, which recites, in part:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The pending claims are allowable for at least the reason that the cited references fail to teach or suggest all of the limitations recited by the claims.

Referring first to claim 1, claim 1 has been amended to recite forming an opening within a capacitor electrode-forming layer, with the capacitor electrode-forming layer including an elevationally outermost surface proximate the opening. Amended claim 1 also recites forming an inwardly-tapered-sidewall spacer within the opening with the spacer including opposing sidewalls in one cross section. Claim 1 then recites that the sidewalls include straight linear portions which are angled substantially normal to the outermost surface of the capacitor electrode-forming layer. Claim 1 is allowable for at least the reason the cited references do not teach or suggest an inwardly-tapered-sidewall spacer including straight linear portions which are angled substantially normal to the outermost surface of the capacitor electrode-forming layer.

The Examiner has cited the combination of Jang and Won as rendering claim 1 obvious. However, neither of these references teach or suggest an inwardly-tapered-sidewall spacer including straight linear portions which are angled substantially normal to the outermost surface of the capacitor electrode-forming layer as recited in claim 1. Jang's slope-improving layer 116 has interior walls that are angled from normal to the outer surface of material 110/112. Won does not cure this deficiency in Jang. Accordingly, the Examiner's rejection of claim 1 should be withdrawn.

Claims 9-14 have been amended for clerical reasons, no new matter has been added through these amendments. Claims 5-14, and 16 depend from claim 1 and are allowable for at least the reasons stated above regarding claim 1.

Claim 17 has also been amended to recite that the spacer includes opposing sidewalls in one cross section and that the opposing sidewalls including straight linear portions which are angled substantially normal to the outermost surface of the capacitor electrode-forming layer. As discussed above, the cited references do not teach or suggest these limitations as recited in claim 17. For at least these reasons claim 17 is allowable.

Claims 22 and 24-29 have been amended for clerical reasons to depend from amended claim 17. Claims 22-29, 31, and 32 depend from claim 17 and are allowable for at least the reasons given above regarding claim 17.

Claim 33 has been amended to recite that the spacer includes opposing sidewalls including straight linear portions which are angled substantially normal to the outermost surface of the capacitor electrode-forming layer. As discussed


above, the cited references do not teach or suggest these limitations as recited in claim 33. For at least these reasons claim 33 is allowable.

Claims 50-57 have been amended for clerical reasons to depend from amended claim 17. Claims 36, 42-57, 59, and 60 depend from claim 33 and are allowable for at least the reasons given above regarding claim 33.

Claims 1-14, 16-29, 31-57, 59, and 60 are in condition for allowance. Applicant requests allowance of claims 1-14, 16-29, 31-57, 59, and 60 in the Examiners next action. The Examiner is requested to telephone the undersigned in the event that the next office action is one other than a Notice of Allowance

Respectfully submitted,

Dated: 2/15/05

By:   
Robert C. Hyta  
Reg. No. 46,791

**- END OF DOCUMENT -**